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Attorneys for Plaintiff

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

American Wagering, Inc.,)	
<i>d/b/a</i> William Hill US,)	
)	
Plaintiff,)	Civil Action No.
)	
v.)	
FanDuel Inc.,)	
)	
Defendant.)	

**COMPLAINT FOR COPYRIGHT INFRINGEMENT
AND DEMAND FOR JURY TRIAL**

Plaintiff, American Wagering, Inc., *d/b/a* William Hill US (“William Hill”), by and through its undersigned attorneys, alleges on knowledge as to its own acts and otherwise on information and belief as follows:

NATURE OF THE ACTION

1. This is a civil action seeking damages and injunctive relief for willful copyright infringement under the copyright laws of the United States (17 U.S.C. § 101 et seq.).

JURISDICTION AND VENUE

2. This Court has jurisdiction under 17 U.S.C. § 101 et seq.; 28 U.S.C. § 1331(federal question); and 28 U.S.C. § 1338(a) (copyright).

3. This Court has personal jurisdiction over the Defendant, and venue in this District is proper under 28 U.S.C. § 1391(b) and 28 U.S.C. § 1400(a), in that the acts of infringement complained of occurred in this District, therefore Defendant may be found in this District.

PARTIES

4. William Hill is a Nevada corporation with its principal place of business located at 6325 S. Rainbow Blvd., Suite 100, Las Vegas, Nevada.

5. Defendant FanDuel Inc. (“FanDuel” or “Defendant”) is a Delaware corporation with its principal place of business located at 19 Union Square, New York, New York.

WILLIAM HILL COPYRIGHT

6. William Hill’s ultimate parent company, William Hill PLC, is one of the world’s leading betting and gaming companies, employing over 15,000 people worldwide. Its origins are in the UK, where it was founded in 1934, and where it is listed on the London Stock Exchange.

7. William Hill owns subsidiaries that operate sports betting establishments known as “sports books” and has an affiliate, William Hill New Jersey, Inc., approved to operate sports books in New Jersey. William Hill New Jersey, Inc. currently operates sports books at Monmouth Park in Oceanport, New Jersey and Ocean Resort Casino in Atlantic City, New Jersey.

8. To assist patrons in learning about sports books, William Hill created a “How to Bet Guide.” This book is currently distributed at both the Monmouth Park and Ocean Resort

Casino sports books operated by William Hill's affiliate. This "How to Bet Guide" is an original work of William Hill.

9. At all relevant times, William Hill has been the copyright owner of this "How to Bet Guide" (the "William Hill Copyrighted Work"). The William Hill Copyrighted Work was first published on June 5, 2018. A true and correct copy of the William Hill Copyrighted Work has been attached hereto as Exhibit A.

10. The William Hill Copyrighted Work is registered with the U.S. Copyright Office and is the subject of a valid Certificate of Copyright Registration No. TX0008591168, dated August 24, 2018 (the "William Hill Copyright").

11. Among the exclusive rights granted to William Hill under the Copyright Act are the rights to reproduce and distribute the William Hill Copyrighted Work to the public.

COPYRIGHT INFRINGEMENT BY FANDUEL

The Infringing Pamphlet

12. On or about July 14, 2018, FanDuel began operating a sports book at The Meadowlands Racetrack in East Rutherford, New Jersey (the "Meadowlands").

13. William Hill subsequently discovered a pamphlet being distributed at the Meadowlands. The pamphlet was branded "FANDUEL SPORTSBOOK" and was entitled "How to Bet Betting Guide" (the "Infringing Pamphlet"). A true and correct copy of the Infringing Pamphlet has been attached hereto as Exhibit B.

14. This FanDuel pamphlet is a blatant infringement of the William Hill Copyrighted Work.

15. On information and belief, FanDuel, without the consent of William Hill, printed and publicly distributed the Infringing Pamphlet. A simple side-by-side comparison of the

William Hill Copyrighted Work against the Infringing Pamphlet clearly demonstrates how egregious FanDuel has been in its unauthorized copying of the William Hill Copyrighted Work.

16. Provided below are side-by-side comparisons of the William Hill Copyrighted Work and the Infringing Pamphlet. These comparisons demonstrate that FanDuel copied the William Hill Copyrighted Work, including descriptions of betting in the different sports categories:

<u>William Hill Copyrighted Work</u>	<u>Infringing Pamphlet</u>																																				
<p>FOOTBALL</p> <p>The most basic way to bet on football is a straight bet on the point spread. When making a straight bet, the team the player bets must cover the point spread. This means that the favored team must win by a stipulated number of points or the underdog will receive that number of points. Wagers on the point spread are usually offered at 11 to 10 odds. This means that the bettor must "lay" \$11 for every \$10 he wishes to win. Because of this, when placing a point spread bet, it is customary to bet in \$11 increments (\$22, \$55, \$110, \$550, etc).</p> <p>EXAMPLE:</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: center;">TIME</th><th style="text-align: center;">BET#</th><th style="text-align: center;">TEAM</th><th style="text-align: center;">LINE</th><th style="text-align: center;">TOTAL</th><th style="text-align: center;">MONEY</th></tr> </thead> <tbody> <tr> <td style="text-align: center;">1:00 PM</td><td style="text-align: center;">101</td><td style="text-align: center;">Washington</td><td style="text-align: center;">42</td><td style="text-align: center;">+ 140</td><td></td></tr> <tr> <td></td><td style="text-align: center;">102</td><td style="text-align: center;">Philadelphia</td><td style="text-align: center;">- 3</td><td></td><td style="text-align: center;">- 160</td></tr> </tbody> </table> <p>The point spread on the electronic display boards and wagering sheets is always listed next to the favorite. The home team is always listed on the bottom, unless otherwise specified.</p> <p>In the example, Philadelphia (-3) is favored by 3 points. Philadelphia must win the game by more than three points for the player to win his bet on Philadelphia. If the player bets Washington (+3), Washington must win the game outright or lose by two points or less for the player to win. If Philadelphia wins by exactly three points, it is considered a tie or "push" for wagering purposes and all straight bets on the point spread are refunded.</p>	TIME	BET#	TEAM	LINE	TOTAL	MONEY	1:00 PM	101	Washington	42	+ 140			102	Philadelphia	- 3		- 160	<p>FOOTBALL</p> <p>The most basic way to bet on football is a straight bet on the point spread. When making a straight bet, the team the player bets must cover the point spread. This means that the favored team must win by a stipulated number of points or the underdog will receive that number of points. Wagers on the point spread are usually offered at 11 to 10 odds. This means that the bettor must "lay" \$11 for every \$10 he wishes to win. Because of this, when placing a point spread bet, it is customary to bet in \$11 increments (\$22, \$55, \$110, \$550, etc).</p> <p>Example</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: center;">TIME</th><th style="text-align: center;">BET #</th><th style="text-align: center;">TEAM</th><th style="text-align: center;">LINE</th><th style="text-align: center;">TOTAL</th><th style="text-align: center;">MONEY</th></tr> </thead> <tbody> <tr> <td style="text-align: center;">1PM</td><td style="text-align: center;">101</td><td style="text-align: center;">Washington</td><td style="text-align: center;">42</td><td></td><td style="text-align: center;">+140</td></tr> <tr> <td></td><td style="text-align: center;">102</td><td style="text-align: center;">Philadelphia</td><td style="text-align: center;">-3</td><td></td><td style="text-align: center;">-160</td></tr> </tbody> </table> <p>The point spread on the electronic display boards and wagering sheets is always listed next to the favorite. The home team is always listed on the bottom, unless otherwise specified.</p> <p>In the example, Philadelphia (-3) is favored by 3 points. Philadelphia must win the game by more than three points for the player to win their bet on Philadelphia. If the player bets Washington (+3), Washington must win the game outright or lose by two points or less for the player to win. If Philadelphia wins by exactly three points, it is considered a tie or "push" for wagering purposes and all straight bets on the point spread are refunded.</p>	TIME	BET #	TEAM	LINE	TOTAL	MONEY	1PM	101	Washington	42		+140		102	Philadelphia	-3		-160
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17. FanDuel also copied the William Hill Copyrighted Work identically for its Baseball section of the Infringing Pamphlet:

<u>William Hill Copyrighted Work</u>							<u>Infringing Pamphlet</u>																																																
<p>BASEBALL</p> <p>Baseball wagering is based on a money line, which means laying or taking money odds. Unlike point spread bets, the payoff on a winning selection varies, according to the odds. Baseball odds are expressed as a 3-digit money line. All money lines are based on \$100.</p> <p>The minus (-) on the display screens and wagering sheets next to the starting pitcher indicates the favorite. The plus (+) indicates the underdog.</p> <p>EXAMPLE:</p> <table border="1"> <thead> <tr> <th>Time</th> <th>BET#</th> <th>Teams</th> <th>Probable Pitchers</th> <th>Money Line</th> <th>Run Line</th> <th>TOTAL</th> </tr> </thead> <tbody> <tr> <td>1:05 PM</td> <td>903</td> <td>Chicago</td> <td>Darvish</td> <td>-115</td> <td>-1½ +140</td> <td>9½ -110</td> </tr> <tr> <td></td> <td>904</td> <td>Philadelphia</td> <td>Nola</td> <td>+105</td> <td>+1½ -160</td> <td>-110</td> </tr> </tbody> </table> <p>In this example, Philadelphia is the home team. Chicago is a -115 favorite, which means for every \$100 the player wants to win on Chicago, he must lay \$115. To win \$10, he would bet \$11.50 and collect \$21.50 if Chicago wins. A wager on Philadelphia would win \$105 for every \$100 wagered or \$10.50 for every \$10. A \$10 wager would return \$20.50.</p>							Time	BET#	Teams	Probable Pitchers	Money Line	Run Line	TOTAL	1:05 PM	903	Chicago	Darvish	-115	-1½ +140	9½ -110		904	Philadelphia	Nola	+105	+1½ -160	-110	<p>BASEBALL</p> <p>Baseball wagering is based on a money line, which means laying or taking money odds. Unlike point spread bets, the payoff on a winning selection varies, according to the odds. Baseball odds are expressed as a 3-digit money line. All money lines are based on \$100.</p> <p>The minus (-) on the display screens and wagering sheets next to the starting pitcher indicates the favorite. The plus (+) indicates the underdog.</p> <p>Example</p> <table border="1"> <thead> <tr> <th>TIME</th> <th>BET #</th> <th>TEAM</th> <th>PROBABLE PITCHERS</th> <th>MONEY LINE</th> <th>RUN LINE</th> <th>TOTAL</th> </tr> </thead> <tbody> <tr> <td>1:05PM</td> <td>903</td> <td>Chicago</td> <td>Darvish</td> <td>-115</td> <td>-1½ +140</td> <td>9½ -110</td> </tr> <tr> <td></td> <td>904</td> <td>Philadelphia</td> <td>Nola</td> <td>+105</td> <td>+1½ -160</td> <td>-110</td> </tr> </tbody> </table> <p>In this example, Philadelphia is the home team. Chicago is a -115 favorite, which means for every \$100 the player wants to win on Chicago, he must lay \$115. To win \$10, he would bet \$11.50 and collect \$21.50 if Chicago wins. A wager on Philadelphia would win \$105 for every \$100 wagered or \$10.50 for every \$10. A \$10 wager would return \$20.50.</p>							TIME	BET #	TEAM	PROBABLE PITCHERS	MONEY LINE	RUN LINE	TOTAL	1:05PM	903	Chicago	Darvish	-115	-1½ +140	9½ -110		904	Philadelphia	Nola	+105	+1½ -160	-110
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18. FanDuel's unauthorized copying is perhaps most evident in the fact that FanDuel actually forgot to remove William Hill's name when printing the Infringing Pamphlet.

William Hill Copyrighted Work at p. 13

Infringing Pamphlet at p. 13

<p>Alternate & Reverse Run Lines – Alternate & reverse run lines are propositional wagers offered by William Hill on each baseball game. An alternate run line allows bettors to lay 2 ½ runs on a team listed as the favorite, or take 2 ½ runs on an underdog. In order for a favorite to cover the alternate run line, they must win the game by three runs or more, while an underdog must lose a game by two runs or fewer in order to cover. With a reverse run line, bettors can lay 1 ½ runs on an underdog for a bigger potential payout, while they can also take 1 ½ runs with a favorite.</p>	<p>Alternate & Reverse Run Lines – Alternate & reverse run lines are propositional wagers offered by William Hill on each baseball game. An alternate run line allows bettors to lay 2 ½ runs on a team listed as the favorite, or take 2 ½ runs on an underdog. In order for a favorite to cover the alternate run line, they must win the game by three runs or more, while an underdog must lose a game by two runs or fewer in order to cover. With a reverse run line, bettors can lay 1 ½ runs on an underdog for a bigger potential payout, while they can also take 1 ½ runs with a favorite.</p>
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The Infringing Website

19. FanDuel's unauthorized copying of the William Hill Copyrighted Work extends well beyond the Infringing Pamphlet. FanDuel also copied the language from the William Hill Copyrighted Work for use on several web pages that are controlled by FanDuel.

20. FanDuel publishes infringing content on articles available at <https://fanduelsportsbook.zendesk.com/hc/en-us> (the "Infringing Website"). Attached hereto as Exhibit C are true and correct copies of screenshots of the homepage from the Infringing Website.

21. FanDuel provides links to the Infringing Website from other websites under its control, including, but not limited to web pages within the website located at www.fanduel.com.

22. The Infringing Website features a number of articles in the category “Sports Betting Guides.” *See* <https://fanduelsportsbook.zendesk.com/hc/en-us/categories/360000153348-Sports-Betting-Guides>. These “articles” comprise unauthorized, substantially identical copies of the William Hill Copyrighted Work. Attached hereto as Exhibit D is a true and correct copy of a screenshot of the foregoing link listing the articles in the category “Sports Betting Guides”.

23. As with the Infringing Pamphlet, a direct comparison of the William Hill Copyrighted Work with the “Sports Betting Guides” on the Infringing Website demonstrates FanDuel’s willful and egregious copying.

24. For example, the article titled “NFL Betting” was copied from the William Hill Copyrighted Work, as demonstrated in the excerpts below:

William Hill Copyrighted Work

FOOTBALL

The most basic way to bet on football is a straight bet on the point spread. When making a straight bet, the team the player bets must cover the point spread. This means that the favored team must win by a stipulated number of points or the underdog will receive that number of points. Wagers on the point spread are usually offered at 11 to 10 odds. This means that the bettor must “lay” \$11 for every \$10 he wishes to win. Because of this, when placing a point spread bet, it is customary to bet in \$11 increments (\$22, \$55, \$110, \$550, etc).

EXAMPLE:

TIME	BET#	TEAM	LINE	TOTAL	MONEY
1:00 PM	101	Washington		42	+140
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The point spread on the electronic display boards and wagering sheets is always listed next to the favorite. The home team is always listed on the bottom, unless otherwise specified.

In the example, Philadelphia (-3) is favored by 3 points. Philadelphia must win the game by more than three points for the player to win his bet on Philadelphia. If the player bets Washington (+3), Washington must win the game outright or lose by two points or less for the player to win. If Philadelphia wins by exactly three points, it is considered a tie or “push” for wagering purposes and all straight bets on the point spread are refunded.

Infringing Website¹

....When making a straight bet, the team the player bets must cover the point spread. This means that the favored team must win by a stipulated number of points or the underdog will receive that number of points. Wagers on the point spread are usually offered at 11 to 10 odds. This means that the bettor must “lay” \$11 for every \$10 he wishes to win. Because of this, when placing a point spread bet, it is customary to bet in \$11 increments (\$22, \$55, \$110, \$550, etc).

Example:

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¹ (<https://fanduelsportsbook.zendesk.com/hc/en-us/articles/360001688227-NFL-Betting>).

Attached hereto as Exhibit E is a true and correct copy of a screenshot of the foregoing link.

win. If Philadelphia wins by exactly three points, it is considered a tie or “push” for wagering purposes and all straight bets on the point spread are refunded.

25. FanDuel’s egregious and willful copying is likewise evident in several other articles on the Infringing Website, including, but not limited to the following articles, which comprise substantially identical copies of language from the William Hill Copyrighted Work:

- a. “Auto Racing Betting” (<https://fanduelsportsbook.zendesk.com/hc/en-us/articles/360001688907-Auto-Racing-Betting>)
- b. “Baseball Betting” (<https://fanduelsportsbook.zendesk.com/hc/en-us/articles/360001688867--Baseball-Betting>)
- c. “Basketball Betting” (<https://fanduelsportsbook.zendesk.com/hc/en-us/articles/360001670028-Basketball-Betting>)
- d. “Boxing/MMA Betting” (<https://fanduelsportsbook.zendesk.com/hc/en-us/articles/360001670208-Boxing-MMA-Betting>)
- e. “Hockey Betting” (<https://fanduelsportsbook.zendesk.com/hc/en-us/articles/360001688327-Hockey-Betting>)
- f. “Soccer Betting” (<https://fanduelsportsbook.zendesk.com/hc/en-us/articles/360001670148-Soccer-Betting>)
- g. “Sports Betting Terms Glossary” (<https://fanduelsportsbook.zendesk.com/hc/en-us/articles/360001688787-Sports-Betting-Terms-Glossary>)
- h. “Sportsbook Type of Wagers” (<https://fanduelsportsbook.zendesk.com/hc/en-us/articles/360001669768-Sportsbook-Type-of-Wagers>)

Attached hereto as Exhibits F-M are true and correct copies of screenshots of the foregoing articles.

COUNT I: COPYRIGHT INFRINGEMENT

26. William Hill repeats and realleges each and every allegation set forth in the paragraphs above as if fully set forth herein.

27. William Hill is the sole and exclusive owner of all right, title, and interest in and to the William Hill Copyrighted Work.

28. FanDuel had access to the text of the William Hill Copyrighted Work prior to the FanDuel's design, creation and/or offering of the Infringing Pamphlet.

29. FanDuel had access to the text of the William Hill Copyrighted Work prior to the FanDuel's publication of the articles on the Infringing Website.

30. FanDuel, with access to the genuine William Hill Copyrighted Work, and without authorization from William Hill, copied the William Hill Copyrighted Work, and produced and distributed and continues to produce, sell and/or distribute the Infringing Pamphlet that is substantially similar to the William Hill Copyrighted Work, copying the original and creative features protected by the William Hill Copyright.

31. FanDuel, with access to the genuine William Hill Copyrighted Work, and without authorization from William Hill, copied the William Hill Copyrighted Work, and published and continues to publish the articles on the Infringing Website that are substantially similar to the William Hill Copyrighted Work, copying the original and creative features protected by the William Hill Copyrighted Work.

32. FanDuel's acts constitute infringement of William Hill's copyright and exclusive rights under copyright.

33. William Hill is informed and believes that based upon the foregoing acts, such infringement has been willful and intentional, and in disregard of and with indifference to the rights of William Hill.

34. As a result of FanDuel's infringement of William Hill's copyright and exclusive rights under copyright law, William Hill is entitled to statutory damages pursuant to 17 U.S.C. § 504.

35. Such conduct on the part of FanDuel has injured William Hill in an amount to be determined at trial, and has caused and will continue to cause irreparable injury to William Hill, for which William Hill has no adequate remedy at law. As such, William Hill seeks an injunction pursuant to 17 U.S.C. § 502, as well as damages, and a disgorgement of profits, pursuant to 17 U.S.C. §504.

36. The conduct of FanDuel is causing and, unless enjoined and restrained by this Court, will continue to cause William Hill great and irreparable injury that cannot be fully compensated or measured in money. William Hill has no adequate remedy at law.

WHEREFORE, William Hill demands that a judgment be entered granting the following relief:

1. Compelling FanDuel to account to William Hill for any and all profits derived by FanDuel as a result of the infringement.

2. Awarding William Hill all damages sustained by it as a result of FanDuel's wrongful acts and all profits realized by FanDuel due to its wrongful acts, pursuant to 17 U.S.C. §504(b).

3. At William Hill's election, awarding statutory damages in the maximum amount against FanDuel for infringement of William Hill's copyright and inducement thereof, pursuant to 17 U.S.C. §504(c).

4. Directing that FanDuel pay over to William Hill its costs, disbursements and reasonable attorneys' fees and expenses, together with pre-judgment interest.

5. For a preliminary and permanent injunction, restraining FanDuel and its affiliates, divisions, officers, directors, principals, servants, employees, successors and assigns, and all those in active concert or participation with it from:

(a) Directly or indirectly infringing in any manner William Hill's copyrights, including without limitation, copyrights or exclusive rights in the William Hill Copyrighted Work; and

(b) From causing, contributing to, enabling, facilitating, or participating in the infringement of William Hill's copyrights or other exclusive rights, including without limitation, copyrights or exclusive rights in the William Hill Copyrighted Work.

6. Retaining jurisdiction of this action in this Court for the purpose of enabling William Hill to apply to the Court at any time for such further orders and interpretation or execution of any order entered in this action, for the modification of such order, for the enforcement or compliance therewith, and for the punishment of any violation thereof.

7. For such other and further relief as the Court deems just and proper.

DEMAND FOR JURY TRIAL

Plaintiff, American Wagering, Inc. *d/b/a* William Hill US, hereby demands a trial by jury.

Dated: October 23, 2018

By:



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